

Senate Bill No. 134, to the Committee on Education.

Senate Bill No. 178, to the Committee on School Districts.

RECESS

Mr. Fielden moved that the House recess until 10:00 o'clock a. m., tomorrow.

Mr. Reed moved that the House recess until 2:00 o'clock p. m., today.

Mr. Davis of Upshur moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion to adjourn, it was lost.

Question next recurring on the motion to recess until 2:00 o'clock p. m., today, it was lost.

Question then recurring on the motion by Mr. Fielden, it prevailed, and the House, accordingly, at 12:20 o'clock p. m., took recess until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions, as follows:

Agriculture: House Bills Nos. 20, 149, 151, 405 and 406.

Judiciary: House Bills Nos. 5, 27, 28, 29, 31, 124 and 269; Senate Bill No. 105.

Penitentiaries: House Bill No. 310 and House Concurrent Resolution No. 32.

Criminal Jurisprudence: House Bill No. 407.

The following committees have filed adverse reports on bills, as follows:

Criminal Jurisprudence: House Bill No. 116.

Liquor Traffic: House Bill No. 146.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room.

Austin, Texas, February 14, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 36, Authorizing the return of House Bill No. 296 which

passed the House Friday, February 3, 1939, from the Senate for the purpose of a more thorough explanation and revision.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 14, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 43, A bill to be entitled "An Act defining a Commercial Taxidermist, and providing a license for any person, firm or corporation operating as such; providing for disposition of moneys collected as license fees; permitting the sale of hides, antlers and hoofs of deer lawfully killed in this State to Commercial Taxidermists; providing for the keeping of records by licensed taxidermists; repealing all laws in conflict with this Act; providing a suitable penalty for violation of any provision of this Act; declaring an emergency and the effective date of this Act."

Has carefully compared same and finds it correctly engrossed.

TURNER, Acting Chairman.

TWENTY-SECOND DAY

(Continued)

(Wednesday, February 15, 1939)

The House met at 10:00 o'clock a. m., and was called to order by Speaker Morse.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"May it please Thee, our Heavenly Father, to pardon our shortcomings and strengthen our good purposes, to the end that Thy righteous will may be done in us, and that we may acquit ourselves worthily in Thy sight. Consider our needs and bless us according to Thy grace. In Jesus' name. Amen."

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Talbert:

H. B. No. 547, A bill to be entitled "An Act authorizing the State Treasurer to pay out of any money not otherwise appropriated the sum of Two Hundred and Seventy-eight Dollars and Fifty-five (\$278.55) Cents for traveling expenses of a Special District Judge in and for the 7th Judicial District."

Referred to the Committee on Appropriations.

By Mr. Kinard:

H. B. No. 548, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city which has more than seven thousand, eight hundred and fifty (7,850) population, and fewer than eight thousand (8,000) population, according to the last Federal Census, whether under General or Special Law, repealing all laws in conflict herewith, both General and Special, and providing, further, that this Act shall not affect any such independent school district which at this time may have a larger authorized rate of taxation, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Olsen:

H. B. No. 549, A bill to be entitled "An Act amending and adding to and making a part hereof, the following Act to Title 116, Article 6674Q-8A providing for the allocation and payment of a certain portion of the gasoline tax now set apart for the retirement of road bond indebtedness to the use of cities and towns for the maintenance and construction of public streets in said cities and towns, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Hardin:

H. B. No. 550, A bill to be entitled "An Act making an emergency appropriation of Fifteen Thousand (\$15,000.00) Dollars for the relief of the Prairie Hill Independent School District of Limestone County, Texas, to aid said District in the rebuilding of their school building, which was totally destroyed by fire on November 11, 1938, fixing the mode and manner of distribution of said money as ap-

propriated by this Act, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Oliver:

H. B. No. 551, A bill to be entitled "An Act to provide that ad valorem tax receipts shall be conclusive evidence of the payment of all taxes prior to the year for which the receipt was issued; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Baker of Fort Bend:

H. B. No. 552, A bill to be entitled "An Act conveying the title of the State of Texas to Lot No. 8 in Block No. 38 of the original townsite of Rosenberg, Fort Bend County, Texas, according to the plat of said town, appearing of record in Volume P, pages 146 and 147 of the Deed Records of Fort Bend County, Texas, acquired by the State under tax sale to Mrs. Thelma Moers Forster, to her separate use and benefit, and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Mr. Heflin:

H. B. No. 553, A bill to be entitled "An Act validating all interest bearing time warrants heretofore authorized by cities having a population of two hundred and eighty-five thousand (285,000) or more, according to the latest United States Census, issued or authorized to be issued in payment or part payment for the construction of administration buildings, hangars and hangar doors for its airport and/or to improve, enlarge, extend or repair its airport; providing that such warrants shall not be invalid on account of irregularities in the notice to bidders or because the notice to bidders did not contain notice that it was the intention of the governing body to pay for such improvements and the contracts therefor by the issuance of time warrants; providing that the contracts for such improvements and payment therefor by the issuance of interest bearing time warrants shall not be invalid on account of the notice to bidders not containing a clause to the effect that it was the intention to pay

for such improvements and the contracts therefor by the issuance of time warrants; providing this Act shall apply to such warrants and the contracts on which they are based whether such warrants shall have been completely issued or whether they have been authorized by ordinance and not as yet completely issued and authorizing their completion, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Heflin:

H. B. No. 554, A bill to be entitled "An Act enabling cities of over two hundred and eighty-five thousand (285,000) population to establish two (2) or more Corporation Courts; providing such Courts shall have the usual jurisdiction now given to Corporation Courts by the General Law of the State of Texas, enabling cities to prescribe the qualifications of the recorder of said Courts; that cases may be transferred from one Court to the other; that there shall be one Corporation Court Clerk; that complaints shall be filed to assure equal distribution of cases; providing that the procedure shall be as provided by the General Law of Texas; repealing all laws in conflict herewith; providing a saving clause, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Davis of Upshur:

H. B. No. 555, A bill to be entitled "An Act providing for the appropriation of One Million (\$1,000,000.00) Dollars from the State Highway Fund for the purpose of erecting a State office building, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Thornton:

H. B. No. 556, A bill to be entitled "An Act to amend Article 7064, Revised Civil Statutes of Texas, 1925, as amended by Section 1 of Chapter 258, House Bill No. 441, of the Acts of the Forty-fifth Legislature of Texas, 1937, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Thornton:

H. B. No. 557, A bill to be entitled "An Act to amend Article 7064a, Revised Civil Statutes of Texas, 1925, as amended by Section 1-b, Chapter 258, House Bill No. 441, of the Acts of the Forty-fifth Legislature of Texas, 1937, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Tennant:

H. B. No. 558, A bill to be entitled "An Act making an appropriation out of the General Fund of the State of Texas for the Secretary of State for the biennium beginning September 1, 1939, and ending August 31, 1941, for the purpose of compiling, editing, indexing, binding, and distributing the current laws and journals; making same immediately available, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Bundy, Mr. Celaya and Mr. McFarland:

H. B. No. 559, A bill to be entitled "An Act authorizing the Commissioners' Court in any county having a population of not less than seventy-four thousand (74,000) and not more than seventy-six thousand (76,000), according to the last preceding United States Census and not less than Forty-one Million (\$41,000,000.00) Dollars and not more than Forty-five Million (\$45,000,000.00) Dollars taxable valuation, according to the last available tax roll to allow each County Commissioner in such counties certain expenses for traveling and in connection with the use of his automobile on official business requiring each such Commissioner to pay the expenses of operation and repair of each automobile used by him without further expense to the county, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Celaya:

H. B. No. 560, A bill to be entitled "An Act amending Section 3, of Chapter 88, Acts of the Forty-first Legislature, Second Called Session, as amended by Section 1 of Chapter 3, Acts of the Forty-third Legislature, Second Called Session, as amended by Section 1 of Chapter 51, Acts of the

Forty-fourth Legislature, Regular Session, so as to exempt motor vehicles, trailers and semi-trailers, owned and used exclusively in the service of any water district or water control and improvement district from the payment of license or registration fees to the State of Texas; repealing all laws in conflict, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. White:

H. B. No. 561, A bill to be entitled "An Act amending Sections 4 and 7, of House Bill No. 8, Chapter 495, Acts of the Forty-fourth Legislature, Third Called Session, 1936; defining eligibility needy and necessitous persons under said Act, and the officers to carry out the provisions of the Old Age Assistance Law; prescribing the powers and duties of such officers; repealing all laws and parts of laws in conflict herewith, insofar as said conflict exists, and declaring an emergency."

Referred to the Committee on State Affairs.

HOUSE JOINT RESOLUTIONS ON FIRST READING

The following House Joint Resolutions, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Hardin:

H. J. R. No. 31, Proposing an amendment to Section 51b of Article III of the Constitution of the State of Texas, giving the Legislature power by General Laws to provide for the payment of old age assistance subject to certain limitations, and fixing the qualifications of recipients of old age assistance and fixing the maximum amount of assistance which may be granted by the State, and providing old age assistance shall not be paid except to persons who are in need and otherwise qualified to receive such assistance; defining the word "need;" providing that old age assistance shall not be construed as a vested right in recipients of old age assistance; providing for authority to accept aid from the Government of the United States for old age assistance; levying and providing for the collection of a

(1.6%) per cent on the amount of actual value passing by each transaction and providing for the payment of such tax, and providing that where the amount of value which passes by a transaction is fixed by law, the tax of one and six-tenths (1.6%) per cent of such value shall be collected on the last transaction only; defining the words "value," "person" and "transaction" as used in such amendment; and providing what transactions shall be exempt from said transaction tax; providing that production of natural resources of this State shall be subject to such transaction tax and fixing the date such tax shall be effective against such production, and determining the person liable for such tax; providing that if such transaction tax against production of natural resources fails or cannot be collected, a severance tax of one and six-tenths (1.6%) per cent of the value of such production be and is levied of such production in lieu of said transaction tax; providing for collection of such tax by the Comptroller of Public Accounts and payment thereof to the State Treasurer; providing that such tax funds shall be credited to the Texas Old Age Assistance Fund, and requiring the transfer of certain of such funds to the Confederate Soldiers Pension Fund, Destitute Children Assistance Fund and Teachers' Retirement Fund, and fixing the amount and time of such transfers; . . . etc.

Referred to the Committee on Constitutional Amendments.

By Mr. Kersey:

H. J. R. No. 32, Proposing an amendment to the Constitution of the State of Texas amending Article 3, Section 16; providing that the sessions of each House shall be open; providing for the submission of the voters of this State; providing for proclamation of an election by the Governor; and providing for the necessary appropriation to defray expenses for the submission of this amendment.

Referred to the Committee on Constitutional Amendments.

BILLS ORDERED NOT PRINTED

(By unanimous consent)

On motion of Mr. Johnson of Tarrant, House Bill No. 473 was ordered not printed.

On motion of Mr. Bell, Senate Bill No. 168 was ordered not printed.

INVITING GOVERNOR W. LEE O'DANIEL TO ATTEND JOINT SESSION OF CERTAIN COMMITTEE

Mr. Hardin moved that all necessary House Rules, relative to the consideration of resolutions, be suspended, at this time, for the purpose of offering H. S. R. No. 128.

The motion prevailed.

Mr. Hardin then offered the following resolution:

H. S. R. No. 128, Inviting Governor W. Lee O'Daniel to attend joint session of certain committee.

Whereas, A joint meeting of the House Committee on Constitutional Amendments and the House Committee on Revenue and Taxation meets in joint sessions this afternoon at 2:30 o'clock at which time they will consider the Transaction Tax Bill.

Whereas, A number of citizens throughout Texas have expressed their desire to appear before said committees in opposition to said transaction tax.

Whereas, The Members of the House and Senate who have introduced said tax have not had the proper time to make a thorough study as is necessary to put forth a strong argument in the interest of such plan.

Whereas, In Governor O'Daniel's first message to the Legislature he advocated the passage of such transaction tax to provide revenue for meeting the obligation of the State toward its elderly citizens; and

Whereas, The Governor's message denoted that he had spent much time and thought in the preparation of this message; and

Whereas, Since numbers of outsiders have been invited to appear before the committees; therefore, be it

Resolved, That we respectfully invite Governor O'Daniel to attend a joint meeting of the House Committee on Constitutional Amendments and Revenue and Taxation, this afternoon at 2:30 o'clock at which time an opportunity will be accorded him to go fully in the detail of the transaction and old age pension plan as presented in his message, in order that he might assist in defending his plan against the much out-spoken criticism; and be it further

Resolved, That the Speaker of the House is hereby authorized to appoint a committee of three Members to present personally a copy of this resolution to the Governor.

The resolution was read second time.

Mr. Petsch moved that the resolution be tabled.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—15

Baker	Howard
of Fort Bend	Isaacks
Bradford	McAlister
Bridgers	Monkhouse
Brown	Nicholson
of Nacogdoches	Petsch
Chambers	Smith
Galbreath	of Matagorda
Gilmer	Thornton

Nays—110

Allen	Goodman
Alsup	Gordon, Mrs.
Anderson	Hale
Bailey	Hamilton
Baker of Grayson	Hankamer
Bell	Hardin
Blankenship	Harper
Bond	Harrell of Bastrop
Boyd	Harris
Boyer	Heflin
Bradbury	Holland
Bray	Howington
Brown of Cherokee	Hull
Burney	Hunt
Cauthorn	Johnson of Ellis
Celaya	Johnson of Tarrant
Clark	Keith
Cleveland	Kennedy
Cockrell	Kern
Colson, Mrs.	Kerr
Cornett	Kersey
Corry	Kinard
Crossley	King
Daniel	Langdon
Davis of Jasper	Lehman
Davis of Upshur	Leyendecker
Dean	Little
Derden	Lock
Dickison	London
Dickson	Mays
Donaghey	McDaniel
Dowell	McDonald
Faulkner	McFarland
Felty	McMurry
Ferguson	McNamara
Fielden	Mohrmann

Montgomery	Spencer
Newell	Stinson
Olsen	Stoll
Pace	Talbert
Pevehouse	Tarwater
Piner	Taylor
Reader of Bexar	Tennant
Reader of Erath	Thornberry
Reaves	Turner
Reed	Vale
Riviere	Vint
Roach	Waggoner
Roberts	Weldon
Robinson	Wells
Russell	Westbrook
Segrist	White
Skiles	Wilson
Smith of Frio	Worley
Smith of Hopkins	Wright

Absent

Allison	Leonard
Broadfoot	Loggins
Bundy	Morris
Burkett	Oliver
Coleman	Pope
Colquitt	Ragsdale
Dwyer	Rhodes
Fuchs	Schuenemann
Hardeman	Shell
Harp	Voigt
Harrell of Lamar	Winfree
Hartzog	Wood

Question then recurring on the resolution by Mr. Hardin, it was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committee: Messrs. Russell, Wood and Winfree.

HOUSE BILL NO. 386 WITH SENATE AMENDMENTS

Mr. Harper called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 386, A bill to be entitled "An Act providing a closed season for fishing on Caddo Lake; a suitable penalty for violation of any provision of this Act; repealing all conflicting laws, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Harper, the House concurred in the Senate amendments by the following vote:

Yeas—122

Allen	Alsop
Allison	Anderson

Bailey	Kersey
Baker	Kinard
of Fort Bend	King
Baker of Grayson	Langdon
Bell	Lehman
Blankenship	Leyendecker
Bond	Little
Boyd	Lock
Boyer	London
Bradbury	Mays
Bradford	McAlister
Broadfoot	McDaniel
Brown of Cherokee	McDonald
Brown	McMurry
of Nacogdoches	McNamara
Burney	Mohrmann
Cauthorn	Monkhouse
Celaya	Montgomery
Clark	Newell
Cleveland	Nicholson
Cockrell	Olsen
Colson, Mrs.	Pace
Cornett	Petsch
Corry	Pevehouse
Crossley	Reader of Bexar
Daniel	Reader of Erath
Davis of Jasper	Reaves
Davis of Upshur	Reed
Dean	Rhodes
Derden	Riviere
Dickison	Roach
Dickson	Roberts
Donaghey	Robinson
Dowell	Russell
Faulkner	Segrist
Felty	Skiles
Ferguson	Smith of Frio
Fielden	Smith of Hopkins
Galbreath	Smith
Gilmer	of Matagorda
Gordon, Mrs.	Spencer
Hale	Stinson
Hamilton	Stoll
Hankamer	Talbert
Harp	Tarwater
Harper	Taylor
Harrell of Bastrop	Tennant
Harrell of Lamar	Thornberry
Harris	Thornton
Heflin	Turner
Holland	Vale
Howard	Vint
Howington	Weldon
Hull	Wells
Hunt	White
Johnson of Ellis	Wilson
Johnson of Tarrant	Winfree
Keith	Wood
Kennedy	Worley
Kern	Wright
Kerr	

Absent

Bray	Bridgers
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Bundy	Loggins
Burkett	McFarland
Chambers	Morris
Coleman	Oliver
Colquitt	Piner
Dwyer	Pope
Fuchs	Ragsdale
Goodman	Schuenemann
Hardeman	Shell
Hardin	Voigt
Hartzog	Waggoner
Isaacks	Westbrook
Leonard	

PROVIDING FOR COMMITTEE TO INVESTIGATE STATE PRISON SYSTEM

Mr. Wright moved that all necessary House Rules be suspended for the purpose of taking up and considering, at this time, House Concurrent Resolution No. 32.

The motion prevailed.

The Speaker then laid before the House, for consideration at this time, House Concurrent Resolution No. 32, by Mr. Wright, Providing for the appointment of a committee to investigate the State Prison System.

The resolution having heretofore been read second time and referred to the Committee on Penitentiaries.

The Committee on Penitentiaries having recommended the adoption of the resolution with the following committee amendment by Mr. Bond:

Amend H. C. R. No. 32, beginning with the word "that," in line 2 of the resolving clause, and ending with the word "Committee," in line 7 of the resolving clause, by striking out said words and all words and phrases intervening and inserting in lieu thereof the words:

"That the Speaker of the House of Representatives appoint three Members from the House of Representatives and the President of the Senate appoint three Members from the Senate to investigate the operation of the State Penitentiary System."

Mr. Winfree moved to table the committee amendment.

The motion to table was lost.

The amendment by Mr. Bond was then adopted.

Mr. Bond offered the following committee amendment to the resolution:

Amend H. C. R. No. 32, by adding the following at the conclusion of the resolving clause:

"Said committee shall report to the Legislature not later than 20 days before adjournment."

The amendment was adopted.

Mr. Russell offered the following amendment to the resolution:

Amend H. C. R. No. 32, by adding to said committee two persons selected by the Governor of the State of Texas.

Mr. Hale raised a point of order, on further consideration of the amendment, on the ground that committee amendment No. 1, heretofore adopted, strikes out the item that the amendment by Mr. Russell attempts to amend.

The Speaker sustained the point of order.

Mr. Goodman offered the following amendment to the resolution:

Amend the resolution to read:

"To be appointed by the respective Chairman of the Standing Committees, from the Standing Committees."

Mr. Bradbury raised a point of order, on consideration of the amendment, on the ground that the amendment is vague and indefinite.

The Speaker sustained the point of order.

Mr. Bond moved the previous question on the resolution and the main question was ordered.

Question then recurring on the resolution, as amended, it was adopted.

RELATIVE TO HOUSE BILL NO. 296

Mr. Morris moved that all necessary House Rules be suspended, at this time, for the purpose of making a motion to reconsider the vote by which House Bill No. 296 was passed.

The motion prevailed.

Mr. Morris then moved to reconsider the vote by which House Bill No. 296 was passed.

The motion to reconsider prevailed.

Mr. Morris then moved that House Bill No. 296 be recommitted to the Committee on Agriculture.

The motion prevailed.

PROVIDING FOR COMMITTEE TO SELECT A POET LAUREATE OF THE STATE

Mr. Chambers moved that all necessary House Rules be suspended, at this time, for the purpose of taking

up and considering, House Concurrent Resolution No. 40.

The motion prevailed.

Mr. Chambers then offered the following resolution:

H. C. R. No. 40, Providing for the appointment of a committee to select a poet laureate of the State.

Whereas, There is a close connection between the long growth of civilization and the development of literature; and

Whereas, It has been customary in all ages for governments to recognize this relation by elevating the poet to the same plane as statesman and military leader; and

Whereas, The recognition of outstanding poets in this State and the elevation to places of honor will have a wholesome and beneficial effect on literature in this State; and

Whereas, The Legislature of the State of Texas has heretofore established the policy sought by this resolution to be continued; now therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That there shall be named a committee of seven to appoint and designate some outstanding and recognized poet who is a citizen of Texas, who shall be poet laureate of the State of Texas for a period of two years from such appointment and designation; that said committee shall consist of three Members of the House to be named by the Speaker, three Members of the Senate to be named by the Lieutenant Governor, and one person to be named by the Governor.

The resolution was read second time, and was adopted.

EXPRESSING LEGISLATIVE INTENT IN REGARD TO OLD AGE ASSISTANCE ACT

Mr. Brown of Nacogdoches, moved that all necessary House Rules be suspended, at this time, for the purpose of taking up and considering House Concurrent Resolution No. 37.

The motion prevailed.

Mr. Brown of Nacogdoches then offered the following resolution:

H. C. R. No. 37, Expressing legislative intent in regard to Old Age Assistance Act.

Whereas, The people, by Constitutional Amendment passed in 1935 by a

vote of more than four to one, authorized the Legislature of this State to provide for old age assistance and authorized in said Constitutional Amendment the furnishing of funds by the Legislature to carry out the provisions and mandates of the people; and

Whereas, There are many aged, dependent and needy people in this State who have been deprived of assistance by virtue of the failure of the Legislature to provide adequately for their support and assistance; and

Whereas, In the passage of House Bill No. 8, passed by the Third Called Session of the Forty-fourth Legislature, 1936, said Act provides that in determining need, the Director of the Texas Old Age Assistance Commission may take into consideration the sources of support that may appear to be available to said aged needy people other than resources of said applicants; and

Whereas, The Director of the Texas Old Age Assistance Commission has construed the Act and has interpreted the meanings thereof to require said Director and his investigators to take into consideration the fact that said applicant or applicants, as the case may be, have children able to furnish support for such applicant; and

Whereas, This interpretation has deprived many aged, deserving, needy people, otherwise eligible, of having any grants or allowances made for them; and

Whereas, In most cases the children or applicants are poor and have their own responsibilities; and

Whereas, This interpretation of the Act is humiliating to the applicant, as well as embarrassing and humiliating to the children of said applicant; and

Whereas, A great number of investigators have approached applicants and have contacted the children of said applicants and have embarrassed both the applicant and the children by such investigation; and

Whereas, It never was and is not now the intent of the Legislature that such interpretation or construction of said Act should be placed therein or by implication read into said Act; and

Whereas, The Legislature deems it expedient that this Act be interpreted to mean that in investigations of the aged needy of this State that it be so interpreted as to mean that each applicant shall be investigated on the

basis of his or her own status, without reference to child, children, relatives or charity, and that the Director of the Texas Old Age Assistance Commission and the Board of Control, in administering this Act, shall so interpret said Statutes and shall, in the future, adhere to the principles herein above outlined, and that such interpretation as hereinabove set out be made and that no Agent or Representative of the Director of the Texas Old Age Assistance Commission or the Board of Control shall, in the future, make any reference to, or ask any question of any applicant which goes beyond the Statutes of such applicant, and that grants be made upon the basis in harmony with the other requirements and provisions of House Bill No. 8, commonly known as "The Old Age Assistance Deliberalization Act;" now therefore be it

Resolved by the House of Representatives, the Senate concurring, That the Board of Control and the Director of the Texas Old Age Assistance Commission so instruct their agents that in the future they shall understand and interpret said Act, and the Legislative intent thereof to mean that in interpreting said Act it was the intent when said Act was written and is now the intent of said Act, that need shall not be determined on any other basis than the status of such applicant, and shall not be based upon the status of child, children, relatives or charity; and be it further

Resolved, That the House of Representatives, the Senate concurring, pass this resolution as expressive of the will of this Legislature and the determination of this Legislature to write as the Legislative intent into this Act a fair, reasonable and accurate construction thereof, and that nothing be read into said Act, or placed therein by inference or implication, and it is so resolved.

BROWN of Nacogdoches,
BRADBURY,
ALLISON.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, February 15, 1939.
Hon. R. Emmett Morse, Speaker of
the House of Representatives..

Sir: I am directed by the Senate to

inform the House that the Senate has passed the following:

S. B. No. 39, A bill to be entitled "An Act to amend an Act of the Legislature passed in 1905, entitled 'Owners May Weigh & Etc.' Pertaining to Public Weighers and other Acts of the Legislature pertaining to the office of Public Weigher, and other persons engaged in weighing for the public, and repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 109, A bill to be entitled "An Act declaring all motor vehicle registration or license plates to be the property of the State Highway Commission of Texas until duly or lawfully purchased for use upon a motor vehicle owned by the purchaser thereof; declaring it unlawful for any Tax Assessor-Collector, Tax Collector or other officer to sell, transfer, convey or otherwise deliver any registration or license plate for any consideration other than the full value thereof paid in lawful money, except in certain cases; declaring that any violation of the provisions of this Act shall constitute a misdemeanor and prescribing a punishment upon conviction; declaring the terms of this Act to be severable; repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 156, A bill to be entitled "An Act providing that the Clerk of the Supreme Court shall receive certain fees for services not otherwise provided by law, allowing the Supreme Court to fix such fees, and declaring an emergency."

S. B. No. 159, A bill to be entitled "An Act validating and legalizing the authorization of bonds issued by any water improvement district in this State for the improvement, repair or rehabilitation of its irrigation system, or ports thereof; validating the levy and assessment of ad valorem taxes in payment thereof; validating the manner of holding the election, canvassing the returns, and declaring the results of such election, and declaring an emergency."

S. B. No. 161, A bill to be entitled "An Act exempting certain independent school districts created under Chapter 5, Acts, 1930, Forty-first Legislature, Fifth Called Session, from the provisions of Article 2767 of the Revised Civil Statutes, and declaring an emergency."

S. B. No. 175, A bill to be entitled "An Act authorizing independent school districts, and cities which have assumed the control of public schools situated therein to build or purchase buildings and grounds located within or without the district or city, for the purpose of constructing gymnasia, stadia, or other recreational facilities, and to mortgage and encumber the same, and the income thereof, and to evidence the obligation therefor by the issuance of bonds to secure the payment of funds to purchase or construct or to purchase and construct the same; providing that the purchaser shall have a franchise to operate same in case of foreclosure; providing that no such obligation shall ever be a debt of any such school district or city, but solely a charge upon the property so encumbered; providing that no election for the issuance of such bonds shall be necessary, providing that the governing body of any such school district or city may in its discretion and as additional security for such bonds, encumber and pledge other income and revenues accruing to the athletic fund; providing that such project shall be deemed self-liquidating in character; providing that the cost of maintaining and operating the project shall be a first charge against the revenues of the project, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

(Mr. Leonard in the Chair.)

SENATE BILL NO. 105 ON SECOND READING

Mr. Thornton moved that the Twenty-four Hour House Rule, relative to the consideration of printed bills, be suspended, at this time, for the purpose of considering Senate Bill No. 105.

The motion prevailed by the following vote:

Yeas—99

- | | |
|------------------|-----------|
| Alsup | Bray |
| Baker | Bridgers |
| of Fort Bend | Broadfoot |
| Baker of Grayson | Bundy |
| Bell | Burkett |
| Bond | Burney |
| Bradbury | Cauthorn |
| Bradford | Chambers |

- | | |
|--------------------|-----------------|
| Clark | Little |
| Cleveland | Loggins |
| Cockrell | McAlister |
| Colquitt | McDaniel |
| Colson, Mrs. | McDonald |
| Cornett | McMurry |
| Corry | Mohrmann |
| Crossley | Monkhouse |
| Daniel | Montgomery |
| Davis of Jasper | Newell |
| Davis of Upshur | Nicholson |
| Dean | Olsen |
| Derden | Petsch |
| Dowell | Pevehouse |
| Dwyer | Reader of Bexar |
| Faulkner | Reader of Erath |
| Felty | Reaves |
| Fielden | Reed |
| Galbreath | Riviere |
| Gordon, Mrs. | Roach |
| Hamilton | Roberts |
| Hankamer | Robinson |
| Hardeman | Segrist |
| Hardin | Smith of Frio |
| Harper | Smith |
| Harrell of Bastrop | of Matagorda |
| Harris | Spencer |
| Hartzog | Stinson |
| Heflin | Stoll |
| Howington | Tarwater |
| Hull | Tennant |
| Hunt | Thornton |
| Isaacks | Turner |
| Johnson of Ellis | Vale |
| Johnson of Tarrant | Vint |
| Kennedy | Waggoner |
| Kern | Weldon |
| Kerr | Wells |
| Kersey | White |
| Kinard | Winfree |
| King | Worley |
| Langdon | Wright |
| Leyendecker | |

Nays—29

- | | |
|-------------------|------------------|
| Bailey | Lehman |
| Boyd | Lock |
| Boyer | London |
| Brown of Cherokee | McFarland |
| Brown | McNamara |
| of Nacogdoches | Morris |
| Dickson | Pace |
| Donaghey | Rhodes |
| Ferguson | Russell |
| Gilmer | Skiles |
| Goodman | Smith of Hopkins |
| Hale | Thornberry |
| Harp | Westbrook |
| Harrell of Lamar | Wilson |
| Holland | Wood |

Present—Not Voting

Allen

Absent

Allison	Oliver
Anderson	Piner
Blankenship	Pope
Celaya	Ragsdale
Coleman	Schuenemann
Dickison	Shell
Fuchs	Talbert
Howard	Taylor
Keith	Voigt
Mays	

The Chair then laid before the House, on its second reading and passage to third reading,

S. B. No. 105, A bill to be entitled "An Act forbidding suits on commissions for sale or purchase of real estate, oil and/or gas mining leases, oil and/or gas royalties, minerals or mineral interests, unless the promise or agreement on which such suit is brought is in writing and signed by the person sought to be charged therewith; and providing that this Act shall not apply to any such action pending in any court in this State at the effective date of this Act, and declaring an emergency."

The bill was read second time.

Mr. Thornton offered the following committee amendment to the bill:

Amend Senate Bill No. 105, by striking out all below the enacting clause and inserting in lieu thereof, the following:

"Section 1. No action shall be brought in any court in this State for the recovery of any commission for the sale or purchase of oil and/or gas mining leases, oil and/or gas royalties, minerals or mineral interests, unless the promise or agreement upon which such action shall be brought, or some memorandum thereof, shall be in writing and signed by the party to be charged therewith or by some person by him thereunto lawfully authorized.

"Section 2. This law shall not apply to any action for commissions pending in any court in this State at or prior to the effective date of this Act."

The amendment was adopted.

Mr. Thornton offered the following committee amendment to the bill:

Amend Senate Bill No. 105, by striking out all above the enacting

clause and insert in lieu thereof, the following:

"A BILL
To Be Entitled

An Act forbidding suits on commissions for sale or purchase of oil and/or gas mining leases, oil and/or gas royalties, minerals or mineral interests, unless the promise or agreement on which such suit is brought is in writing and signed by the person sought to be charged therewith; and providing that this Act shall not apply to any such action pending in any court in this State at the effective date of this Act."

The amendment was adopted.

Senate Bill No. 105 was then passed to third reading.

Mr. Thornton moved to reconsider the vote by which Senate Bill No. 105 was passed to third reading, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 123 ON SECOND
READING

(By unanimous consent)

The Chair laid before the House, on its second reading and passage to engrossment,

H. B. No. 123, A bill to be entitled "An Act to authorize all independent school districts in certain counties to pay present outstanding legal indebtedness of the said school districts by refunding warrants to bear interest of not more than six (6%) per cent per annum, and to be payable out of a portion of the local maintenance taxes, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 123 ON THIRD
READING

Mr. Monkhouse moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 123 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—128

Allen	Alsup
Allison	Bailey

Baker of Fort Bend	Johnson of Tarrant	Wood	Wright
Bell	Keith	Worley	
Bond	Kennedy		Absent
Boyd	Kern	Anderson	Nicholson
Boyer	Kerr	Baker of Grayson	Oliver
Bradbury	Kersey	Blankenship	Ragsdale
Bradford	Kinard	Davis of Upshur	Smith of Frio
Bray	King	Dwyer	Smith of Hopkins
Bridgers	Langdon	Fuchs	Stinson
Broadfoot	Lehman	Howard	Tarwater
Brown of Cherokee	Leyendecker	Hull	Turner
Brown of Nacogdoches	Little	London	Voigt
Bundy	Lock	McFarland	Winfree
Burkett	Loggins		
Burney	Mays	The Chair then laid House Bill	
Cauthorn	McAlister	No. 123 before the House on its third	
Celaya	McDaniel	reading and final passage.	
Chambers	McDonald	The bill was read third time, and	
Clark	McMurry	was passed by the following vote:	
Cleveland	McNamara		
Cockrell	Mohrmann	Yeas—126	
Coleman	Monkhouse	Allen	Faulkner
Colquitt	Montgomery	Alsup	Felty
Colson, Mrs.	Morris	Bailey	Ferguson
Cornett	Newell	Baker	Fielden
Corry	Olsen	of Fort Bend	Galbreath
Crossley	Pace	Baker of Grayson	Gilmer
Daniel	Petsch	Bell	Goodman
Davis of Jasper	Pevehouse	Blankenship	Gordon, Mrs.
Dean	Piner	Bond	Hale
Derden	Pope	Boyd	Hamilton
Dickison	Reader of Bexar	Boyer	Hankamer
Dickson	Reader of Erath	Bradbury	Hardeman
Donaghey	Reaves	Bradford	Hardin
Dowell	Reed	Bray	Harp
Faulkner	Rhodes	Bridgers	Harrell of Bastrop
Felty	Riviere	Broadfoot	Harrell of Lamar
Ferguson	Roach	Brown of Cherokee	Harris
Fielden	Roberts	Brown	Hartzog
Galbreath	Robinson	of Nacogdoches	Heflin
Gilmer	Russell	Bundy	Holland
Goodman	Schuenemann	Burkett	Hunt
Gordon, Mrs.	Segrist	Burney	Isaacks
Hale	Shell	Cauthorn	Johnson of Ellis
Hamilton	Skiles	Celaya	Johnson of Tarrant
Hankamer	Smith	Chambers	Keith
Hardeman	of Matagorda	Clark	Kennedy
Hardin	Spencer	Cleveland	Kern
Harp	Stoll	Cockrell	Kerr
Harper	Talbert	Colquitt	Kersey
Harrell of Bastrop	Taylor	Colson, Mrs.	Kinard
Harrell of Lamar	Tennant	Cornett	King
Harris	Thornberry	Corry	Langdon
Hartzog	Thornton	Crossley	Lehman
Heflin	Vale	Davis of Jasper	Leyendecker
Holland	Vint	Davis of Upshur	Little
Howington	Waggoner	Dean	Lock
Hunt	Weldon	Derden	Loggins
Isaacks	Wells	Dickison	Mays
Johnson of Ellis	Westbrook	Donaghey	McAlister
	White	Dowell	McDaniel
	Wilson		

McDonald	Schuenemann
McFarland	Segrist
McMurry	Shell
McNamara	Skiles
Mohrmann	Smith
Monkhouse	of Matagorda
Montgomery	Spencer
Morris	Stoll
Newell	Talbert
Nicholson	Taylor
Olsen	Tennant
Pace	Thornberry
Petsch	Thornton
Pevehouse	Turner
Piner	Vale
Reader of Bexar	Vint
Reader of Erath	Waggoner
Reaves	Weldon
Reed	Wells
Rhodes	White
Riviere	Wilson
Roach	Wood
Roberts	Worley
Robinson	Wright
Russell	

Present—Not Voting

Westbrook

Absent

Allison	London
Anderson	Oliver
Coleman	Pope
Daniel	Ragsdale
Dickson	Smith of Frio
Dwyer	Smith of Hopkins
Fuchs	Stinson
Harper	Tarwater
Howard	Voigt
Howington	Winfree
Hull	

MESSAGE FROM THE SENATE

Austin, Texas, February 15, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 134, A bill to be entitled "An Act prohibiting the setting of any steel trap, snare, or deadfall in Panola County for the purpose of taking any fur-bearing animals for a period of two (2) years; providing certain exceptions; repealing all laws in so far as they conflict with this Act; providing a penalty for violation of this Act, and declaring an emergency."

H. B. No. 212, A bill to be entitled "An Act creating a Special Road Law

for Hamilton County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of the 1st day of January, 1939, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners Court of said County and the officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

H. B. No. 301, A bill to be entitled "An Act prohibiting the taking of fur-bearing animals in Shelby County; providing a suitable penalty for violation of this Act, and declaring an emergency."

H. B. No. 351, A bill to be entitled "An Act to permit the taking of fish in public waters and streams in Erath and Hood Counties with certain exceptions, and declaring an emergency."

H. B. No. 432, A bill to be entitled "An Act to amend Section 1 of Article 952 of the Penal Code, by adding thereto Wilson County, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

HOUSE BILL NO. 194 ON PASSAGE TO ENGROSSMENT

The Chair laid before the House, as pending business,

H. B. No. 194, A bill to be entitled "An Act authorizing the State Board of Barber Examiners to approve agreements fixing minimum prices for barber services and establishing opening and closing hours for barber shops; fixing territorial units for voting such agreement; providing for orders of the Board to remain in effect until replaced by new agreements; providing for the State Board to adopt and enforce rules and orders necessary to administer the Act; providing for the posting of rules or

orders; prohibiting the advertising of prices; providing for practice and procedure of the Board with respect to investigations; providing for treatment by the Board of violations of this Act; providing for the Board to administer the provisions of this Act; regulating barber schools or barber colleges; providing for fine or imprisonment for violation of the provisions of this Act; providing for the suspension or revocation of licenses by the Board; and providing for appeal from action of the Board; providing for the payment of expenses of administration of this Act; providing for fees for permits and placing such fees in a special enforcement fund; providing that the provisions of this Act shall be cumulative; providing a saving clause; repealing all laws in conflict herewith, and declaring an emergency."

The bill having been read second time, on yesterday, with amendment by Mr. Talbert, substitute by Mr. Broadfoot for the amendment by Mr. Talbert, and point of order by Mr. Fielden, pending.

The Speaker overruled the point of order, stating his reasons, as follows:

The gentleman from Titus, Mr. Fielden, on yesterday submitted the following point of order:

"Mr. Speaker:

I raise the following points of order, against House Bill No. 194:

1. The bill violates Article 3, Section 56 of the Constitution of the State of Texas which states that, 'The Legislature shall not pass any Local or Special Law, authorizing the regulation of labor, trade, mining, manufacturing.'

2. The bill violates Section 1, of the 14th amendment of the Constitution of the United States in that it is class legislation and is a denial of equal protection and due process of law and improper restraint on freedom of contract. To uphold point of order No. 2, I cite the following cases: State vs. Ives, 167 Southern Reporter, Section 7, page 395, wherein such statute empowering the Board of Barber Examiners to fix minimum prices to be charged by barbers was held unconstitutional as a denial of equal protection and due process of law and improper restraint of freedom on contract. (Acts 1935, C. 16799;

Const. Fla. Declaration of Rights, Section 1; Const. U. S. Amend. 14.)

I cite the case of the City of Mobile vs. Rouse, 173 Southern Reporter, page 254, Section 1, wherein the Court of Appeals of Alabama held that barbers not affected with public interest in such sense as to justify regulation of charges for services rendered, as in case of public utility.

Also Section 2 of same case whereby city ordinance fixing minimum prices for barber services held unconstitutional as denying equal protection of laws by discriminating between barbers and others. (Const. U. S. Amend. 14.)"

"The Chair has studied the cases cited by Mr. Fielden in support of this point of order, and has also studied those cases which have upheld the constitutionality of similar statutes. In this connection I cite the case of Board of Barber Examiners, La., vs. Parker, 190 La., 214. Without discussing the merits of these decisions, which have been rendered on both sides of this question, it is sufficient to state that they deal entirely with questions of substantive law.

The right to decide questions of substantive law is vested solely in the judiciary of this State and not in any other branch of our government. The Chair could not therefore assume powers or functions which he does not have but which on the other hand lie entirely within the jurisdiction of the Courts of this State. It is the Chair's duty to rule only upon questions of procedure that arise from time to time during the passage of legislation through the House. In this connection there are several constitutional requirements of procedure that must be complied with before legislation can be passed by the House. For example, I refer to the constitutional provision requiring bills to be read on three several days unless said rule is suspended by a four-fifths vote of the House, the constitutional rule requiring the presence of at least two-thirds of the Members-elect before business can be transacted, the constitutional rule requiring bills to be first referred to a committee; the constitutional rule prohibiting the amending of a bill in its passage through either House so as to change its original purpose, etc. In view of the fact that the courts have held that they will not look behind the enrolled bill

in determining whether the constitutional requirements as to procedure, such as heretofore mentioned, have been observed, it is the duty of the Chair to rule promptly upon such constitutional requirements. The Chair will at all times discharge this function.

The several points of order before the Chair for consideration at this time do not deal with constitutional requirements of procedure but deal solely with substantive matters in the provisions of the bill itself. In view of this fact and for the reasons afore-stated, the Chair respectfully overrules the points of order raised by the gentleman from Titus."

On motion of Mr. Fielden, the above remarks of the Speaker were ordered printed in the Journal.

Mr. Dean moved to table the substitute amendment offered by Mr. Broadfoot.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—115

Allen	Dickison
Allison	Dickson
Alsup	Donaghey
Anderson	Dowell
Baker	Dwyer
of Fort Bend	Faulkner
Baker of Grayson	Felty
Bell	Ferguson
Biankanship	Galbreath
Bond	Gilmer
Boyd	Gordon, Mrs.
Boyer	Hale
Bradbury	Hamilton
Bradford	Hardeman
Bray	Hardin
Brown of Cherokee	Harp
Brown	Harper
of Nacogdoches	Harrell of Bastrop
Bundy	Harrell of Lamar
Burkett	Harris
Burney	Hartzog
Chambers	Heflin
Clark	Holland
Cleveland	Howard
Cockrell	Hull
Coleman	Hunt
Colquitt	Johnson of Ellis
Corry	Johnson of Tarrant
Crossley	Keith
Daniel	Kennedy
Dean	Kerr
Derden	Kinard

King	Reed
Langdon	Riviere
Lehman	Roach
Little	Roberts
Lock	Robinson
Loggins	Russell
London	Segrist
McAlister	Skiles
McDaniel	Smith
McDonald	of Matagorda
McMurry	Stinson
McNamara	Stoll
Mohrmann	Talbert
Monkhouse	Taylor
Montgomery	Tennant
Morris	Thornberry
Newell	Thornton
Nicholson	Turner
Oliver	Vale
Olsen	Vint
Petsch	Waggoner
Pevehouse	White
Piner	Wilson
Pope	Winfree
Reader of Bexar	Wood
Reader of Erath	Worley
Reaves	Wright

Nays—23

Bailey	Leyendecker
Bridgers	Mays
Broadfoot	McFarland
Cauthorn	Pace
Cornett	Rhodes
Davis of Jasper	Smith of Frio
Davis of Upshur	Smith of Hopkins
Fielden	Spencer
Hankamer	Weldon
Howington	Wells
Kern	Westbrook
Kersey	

Absent

Celaya	Ragsdale
Colson, Mrs.	Schuenemann
Fuchs	Shell
Goodman	Tarwater
Isaacks	Voigt

Question then recurring on the amendment by Mr. Talbert, it was adopted.

Mr. Worley moved to reconsider the vote by which the House, on yesterday, adopted the amendment by Mr. Talbert, substituting "Senatorial Districts," for "Counties."

Mr. Talbert moved to table the motion to reconsider.

The motion to table prevailed.

Mr. Langdon offered the following amendment to the bill:

Amend House Bill No. 194, as follows: Strike out the words and figures "seventy per cent (70%)," wherever they occur in the bill and substitute therefor "eighty-five per cent (85%)."

Mr. Dean moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—64

Allison	Johnson of Tarrant
Baker of Grayson	Keith
Blankenship	Kinard
Bond	Little
Boyer	Loggins
Bradford	McAlister
Brown	McDaniel
of Nacogdoches	McDonald
Bundy	McMurry
Burney	McNamara
Celaya	Monkhouse
Chambers	Morris
Cleveland	Nicholson
Coleman	Petsch
Colquitt	Pevehouse
Corry	Pope
Dean	Reader of Bexar
Derden	Reaves
Dickison	Reed
Dickson	Riviere
Donaghey	Roach
Dwyer	Robinson
Faulkner	Segrist
Felty	Skiles
Ferguson	Smith of Frio
Gilmer	Thornberry
Hardeman	Vale
Hardin	Waggoner
Harp	Wells
Harris	Wilson
Holland	Wood
Howard	Wright
Johnson of Ellis	

Nays—67

Allen	Crossley
Alsup	Daniel
Bailey	Davis of Jasper
Bell	Davis of Upshur
Boyd	Dowell
Bradbury	Fielden
Bridgers	Galbreath
Broadfoot	Gordon, Mrs.
Burkett	Hale
Cauthorn	Hamilton
Clark	Hankamer
Cockrell	Harrell of Bastrop
Cornett	Harrell of Lamar

Hartzog	Pace
Heflin	Piner
Howington	Reader of Erath
Isaacks	Rhodes
Kennedy	Roberts
Kern	Russell
Kerr	Schuenemann
Kersey	Shell
King	Smith of Hopkins
Langdon	Spencer
Lehman	Stoll
Leyendecker	Talbert
Lock	Taylor
London	Tennant
Mays	Thornton
McFarland	Turner
Mohrmann	Vint
Montgomery	Weldon
Newell	Westbrook
Oliver	Winfree
Olsen	

Present—Not Voting

Bray

Absent

Anderson	Hunt
Baker	Ragsdale
of Fort Bend	Smith
Brown of Cherokee	of Matagorda
Colson, Mrs.	Stinson
Fuchs	Tarwater
Goodman	Voigt
Harper	White
Hull	Worley

Question then recurring on the amendment by Mr. Langdon, it was adopted.

Mr. Alsup moved to reconsider the vote by which the amendment, by Mr. Langdon, was adopted and to table the motion to reconsider.

The motion prevailed.

Question: Shall House Bill No. 194 pass to engrossment?

BILL AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bill and resolution,

H. C. R. No. 36, Recalling House Bill No. 296 from the Senate.

H. B. No. 386, "An Act providing a closed season for fishing on Caddo Lake, a suitable penalty for violation of any provision of this Act; repeal-

ing all conflicting laws, and declaring an emergency."

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 109, to the Committee on State Affairs.

Senate Bill No. 175, to the Committee on Education.

Senate Bill No. 159, to the Committee on Conservation and Reclamation.

Senate Bill No. 156, to the Committee on Judiciary.

Senate Bill No. 39, to the Committee on Counties.

Senate Bill No. 161, to the Committee on School Districts.

ADJOURNMENT

Mr. Kern moved that the House adjourn until 10:00 o'clock a. m., Thursday, February 16.

The motion prevailed and the House, accordingly, at 12:30 o'clock p. m., adjourned until 10:00 o'clock a. m., Thursday, February 16.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Criminal Jurisprudence: House Bill No. 205.

Counties: House Bills Nos. 368, 461, 473, 479, 495 and 543; Senate Bill No. 168.

State Affairs: House Bills Nos. 8 and 247.

Public Lands and Buildings: House Bill No. 135; Senate Bill No. 53.

Examination of Treasurer's and Comptroller's Accounts: House Bill No. 442.

Education: House Bills Nos. 346 and 374; Senate Bill No. 175.

The Committee on Public Lands and Buildings filed an adverse report on House Concurrent Resolution No. 25.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, February 15, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 32, Providing for a committee to investigate the Prison System.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 15, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 40, Naming a committee of seven (7) members who shall appoint and designate some outstanding and recognized poet who is a citizen of Texas, who shall be poet laureate of the State of Texas for a period of two (2) years.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, February 15, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 386, "An Act providing a closed season for taking game fish on Caddo Lake and all fresh waters of Harrison and Marion Counties; making certain exceptions; providing a suitable penalty for the violation of any provision of this Act; repealing all conflicting laws, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, February 14, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 36, Authorizing the return of House Bill No. 296 which

passed the House February 3, 1939, from the Senate for the purpose of a more thorough explanation and revision.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO THE GOVERNOR

February 15, 1939

House Bill No. 386.

House Concurrent Resolution No. 36.

TWENTY-THIRD DAY

(Thursday, February 16, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Crossley
Allen	Daniel
Allison	Davis of Jasper
Alsop	Davis of Upshur
Anderson	Dean
Bailey	Derden
Baker	Dickison
of Fort Bend	Dickson
Baker of Grayson	Donaghey
Bell	Dowell
Blankenship	Dwyer
Bond	Faulkner
Boyd	Felty
Boyer	Ferguson
Bradbury	Fielden
Bradford	Fuchs
Bray	Galbreath
Bridgers	Gilmer
Broadfoot	Goodman
Brown of Cherokee	Gordon, Mrs.
Brown	Hale
of Nacogdoches	Hamilton
Bundy	Hankamer
Burkett	Hardeman
Burney	Hardin
Cauthorn	Harp
Celaya	Harper
Chambers	Harrell of Bastrop
Clark	Harrell of Lamar
Cleveland	Harris
Cockrell	Hartzog
Coleman	Heflin
Colquitt	Holland
Colson, Mrs.	Howard
Cornett	Howington
Corry	Hull

Hunt	Reader of Bexar
Isaacks	Reader of Erath
Johnson of Ellis	Reaves
Johnson of Tarrant	Reed
Keith	Rhodes
Kennedy	Riviere
Kern	Roach
Kerr	Roberts
Kersey	Robinson
Kinard	Russell
King	Schuenemann
Langdon	Segrist
Lehman	Shell
Leonard	Skiles
Leyendecker	Smith of Frio
Little	Smith of Hopkins
Lock	Smith
Loggins	of Matagorda
London	Spencer
Mays	Stinson
McAlister	Stoll
McDaniel	Talbert
McDonald	Tarwater
McFarland	Taylor
McMurry	Tennant
McNamara	Thornberry
Mohrmann	Thornton
Monkhouse	Turner
Montgomery	Vale
Morris	Vint
Newell	Waggoner
Nicholson	Weldon
Oliver	Wells
Olsen	Westbrook
Pace	White
Petsch	Wilson
Pevehouse	Winfree
Piner	Wood
Pope	Worley
Ragsdale	Wright

Absent—Excused

Voigt

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Almighty God, as opposing tides of sentiment surge around us we are often confused, and our ways are not clear. We know that at best our efforts are imperfect. But wilt Thou, O, God, make bare Thine arm and help us to separate the chaff from the wheat, and to do those things that will be creditable to us and helpful to all. In Christ's name. Amen."

LEAVE OF ABSENCE GRANTED

The following Member was granted leave of absence on account of illness:

Mr. Voigt for today, on motion of Mr. Riviere.